APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,093	02/27/2004	Gerhard D. Klassen	1679-5/JLW	4271

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RESEARCH IN MOTION
ATTN: GLENDA WOLFE
BUILDING 6, BRAZOS EAST, SUITE 100
5000 RIVERSIDE DRIVE
IRVING, TX 75039

EXAMINER
KEATON, SHERROD L

ART UNIT	PAPER NUMBER
2175	

NOTIFICATION DATE	DELIVERY MODE
01/07/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _09 September 2008_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-18_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-18_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

This action is in response to the filing of 9-09-08. Claims 1-18 are pending and have

been considered below:

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1, 2, 5-8, 10, 11, 14-17 are rejected under 35 U.S.C. 103(a) as being

unpatentable by Schmidt Jr. et al ("Schmidt" US 6778642 B1) in view of Keyworth, II et

al ("Keyworth" 5579472) and DeCarmo (20040010808 A1).

Claim 1: Schmidt discloses a program product medium comprising executable program code and method for execution on a communications device, the communications device configurable for receiving, storing and displaying heterogeneous messages from different communications channels, the messages being received via different communications channels being received in formats specific to each communication (Column 2, Lines 43-54):

 Schmidt does not explicitly disclose that the communication device is capable of executing a plurality of message applications, each message application being associated with one of the communications channels and being executable to store and display messages received from the associated communications channel. However Keyworth discloses a group oriented communications interface and further discloses a communication device (Column 3, Lines 45-65). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to explicitly disclose being able to execute the message applications in Schmidt as taught by Keyworth. One would have been motivated to provide this functionality so user could completely and efficiently interact with the system.

Keyworth further discloses the executable program code comprising a collating application being executable on the communications device for dynamically retrieving heterogeneous messages stored by the plurality of message applications, said retrieved messages meeting at least one collating criterion (Column 9, Lines 39-50; Column 10, Lines 7-15), displaying on a user interface of the communication device an ordered

listing of message associated with at least one of said the retrieved messages in a single view on the communications device the application further executable (Figure 6), while the application is displaying on the user interface, to continually retrieve messages as they are received and stored by each of the communications channels and to display retrieved messages that match the at least one collating criterion, the retrieved collated message then incorporated into the application's display (Figure 15; Column 9, Lines 52-58; Column 10, Lines 15-25). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to provide the functionality of Keyworth in Schmidt. One would have been motivated to provide this functionality in Schmidt because it provides an interface that is intuitive, efficient and user friendly.

Schmidt also does not disclose showing body fragments. However DeCarmo discloses an instant message system and further discloses display a parts of the message (or body fragment). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to provide body fragments in the modified Schmidt as taught by DeCarmo. One would have been motivated to provide the body fragment to allow the user to promptly decide the urgency of the message.

Claim 10: Claim 10 is similar in scope to Claim 1 and therefore rejected under the same rationale.

Claims 2 and 11: Schmidt, Keyworth and DeCarmo disclose a program and method as

in claims 1 and 10 above, and further disclose in which the executable program code

and method further comprises program code executable on the communications device

for enabling a specification of the at least one collating criterion at the user interface

(Keyworth: Column 5, Lines 55-62).

Claims 5 and 14: Schmidt, Keyworth and DeCarmo disclose a program and method as

in claims 1 and 10 above, in which the executable program code and method further

comprises program code executable on the communications device for displaying a

defined icon representing the at least one collating criterion (Schmidt Column 2, Lines

17-24) (Figure 5).

Claims 6 and 15: Schmidt, Keyworth and DeCarmo disclose a program and method as

in claims 1 and 10 above, in which the executable program code and method further

comprises program code executable on the communications device for displaying a first

defined icon representing the at least one collating criterion when the communications

device is in receipt of no unread messages meeting the at least one collating criterion

and for displaying by the collating application a second defined icon representing the at

least one collating criterion when the communications device is in receipt of at least one

unread message meeting at least one collating criterion (Schmidt Column 3, Lines 66-

67; Column 4, Lines 1-10), (Keyworth: Figure 6).

Claims 7 and 16: Schmidt, Keyworth and DeCarmo disclose a program and method as

in claims 1 and 10 above, in which the executable program code and method further

comprises program code executable on the communications device for enabling

selection between alternative views for presenting the ordered listing of message body

fragments associated with each of said retrieved messages (Schmidt Figure 6; Column

7, Lines 9-27). The additional views are provided by home or office selection.

Claims 8 and 17: Schmidt, Keyworth and DeCarmo disclose a program and method as

in claims 1 and 10 above, in which the executable program code and method further

comprises program code executable on the communications device for displaying the

ordered listing of message body fragments associated with at least one of said retrieved

messages in sub-lists under displayed headings, each heading reflecting the

communications channel on which the messages in the associated sub-list were

received by the communications device (Schmidt Figures 6). The subject provides the

message fragment and each selection provides it in a single view.

3.   Claims 3, 4, 12 and 13 are rejected under 35 U.S.C. 103(a) as being

unpatentable by Schmidt Jr. et al ("Schmidt"US 6778642 B1), Keyworth, II et al

("Keyworth" 5579472) and DeCarmo (20040010808 A1) as applied to Claim 1 and 10 in

further view of Dang et al ("Dang" US 6571275 B1)

Claims 3 and 12: Schmidt, Keyworth and DeCarmo disclose a program and method as in claims 2 and 11 above, but do not explicitly disclose executable program code and method for the specification of the at least one collating criterion at the user interface by enabling specification of one or more collating criterion using address book entries. However Dang discloses filtering messages and further discloses using an address book as a criterion (Column 7, Line 58-Column 8, Line 10). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to allow the collating criteria be based on an address book in the modified Schmidt as taught by Dang. One would have been motivated to provide an address book to provide improved query of names, groups, etc; therefore the system is more efficient and user-friendly.

Claims 4 and 13: Schmidt, Keyworth, DeCarmo and Dang disclose a program and method as in claims 3 and 12 above, and the specified at least one collating criterion comprising a name associated with one entry in the address book (Dang discloses filtering messages and further discloses using an address book including names as a criterion (Column 7, Line 58-Column 8, Line 10)).

4.   Claims 9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable by Schmidt Jr. et al ("Schmidt"US 6778642 B1), Keyworth, II et al ("Keyworth" 5579472)

and DeCarmo (20040010808 A1) as applied to Claim 1 and 10 in further view of

Schnarel et al ("Schnarel" US 7225409 B1).

Claims 9 and 18: Schmidt, Keyworth and DeCarmo disclose a program and method as

in claim 8 and 17 above, but do not explicitly disclose program code and method further

comprises program code executable on the communications device for enabling

launching at the user interface the message application associated with one of the

communications channels by selecting one of the displayed sub-list headings. However

Schnarel discloses a graphical user interface that allows selection of a button to launch

a message application (Column 5, Line 50-Column 6, Line 25). Therefore it would have

been obvious to provide launch buttons or incorporate the button with the heading of the

modified Schmidt to launch the program as taught by Schnarel. One would have been

motivated to provide the selection capabilities to the interface because it provides

complete operability, is efficient and user friendly.

Response to Arguments

5.   Applicant's arguments filed have been fully considered but they are not

persuasive.

6.   In response to applicant's arguments against the references individually, one

cannot show nonobviousness by attacking references individually where the rejections

are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208

USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir.

1986).

7.   Applicants have argued that none of the references are capable of executing a

plurality of message applications and the code to perform the actions. Examiner

disagrees. Keyworth shows the ability and code to execute the message applications

(Column 3, Lines 55-63 and Column 4, Lines 8-13). Additionally updating a collating

functionality and an ordered list are also found in Keyworth (Figure 6-8; Column 9, Lines

39-58; Column 10, Lines 15-24).

8.   Schmidt discloses the functionality for receiving, storing and displaying

heterogeneous messages from different communications channels.

9.   DeCarmo disclose the functionality of displaying a part of the message (or body

fragment) in a messaging system (Page 5, Paragraph 45).

10.   Applicants have argued that there is no proper basis to combine. Examiner

disagrees. All references have a common relation that being the communication

(messaging) functionality of the system and they could be reasonably incorporated

collectively.

11.   Applicants have argued that Keyworth does not disclose a collating criterion.

Examiner disagrees. Collate is defined as looking at or comparing critically. Therefore

when Keyworth compares the type of communication and the originator (Column 9,

Lines 39-51) a collation has been performed.

12.   No single reference is meant to include every limitation claimed, therefore

applicants must look at the references as a combination and not individually in order to

appreciate that the limitations are covered.

Conclusion

Applicants amendments necessitated the new ground(s) of rejection presented in this office action.

Accordingly, **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set

forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the

mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of

this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened

statutory period, then the shortened statutory period will expire on the date the advisory action is mailed,

and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS

from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be

directed to Sherrod Keaton whose telephone number is 571) 270-1697. The examiner can normally

be reached on Mon. thru Fri. and alternating Fri. off (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

William Bashore can be reached on 571-272-4088. The fax phone number for the organization where this

application or proceeding is assigned is 571-273-3800.

Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be obtained

from either Private PAIR or Public PAIR. Status information for unpublished applications is available

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USPTO Customer Service Representative or access to the automated information system, call 800-

786-9199 (IN USA OR CANADA) or 571-272-1000.

SLK

1-5-09

/WILLIAM L. BASHORE/
Supervisory Patent Examiner, Art Unit 2175